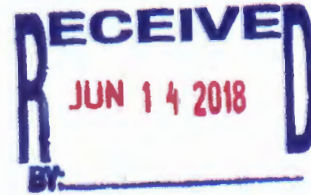




**Judicial  
Watch®**  
*Because no one  
is above the law!*



June 8, 2018

**VIA CERTIFIED MAIL**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

**Re: Freedom of Information Act Request**

Dear Freedom of Information Officer:

Judicial Watch, Inc. ("Judicial Watch") hereby requests that the Environmental Protection Agency ("EPA") produce the following records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"):

**All records related to the investigation of Chip and Joanna Gaines, of the television show "Fixer Upper", and/or their company, Magnolia Homes, for alleged violations of environmental laws in the restoration of homes, including but not limited to, investigative reports, witness statements, studies, analyses, lab results, correspondence, and records of communications sent to and from EPA officials regarding Chip and Joanna Gaines, "Fixer Upper", and/or Magnolia Homes.**

**The time frame for the requested records is January 1, 2016 to the present.**

Based on the highly public nature of the Gaines's and their program, they are considered "public figures" and as such, any privacy interests are outweighed by the public interest. However, to the extent any (b)(6) withholding claims may be asserted, such information should be segregated, and all non-exempt, non-segregable information provided.

Please determine whether to comply with this request within the time period required by FOIA and notify us immediately of your determination, the reasons therefor, designee. 5 U.S.C. § 552(a)(6)(i). Please also produce all responsive records in an electronic format ("pdf" is preferred), if convenient. We also are willing to accept a "rolling production" of responsive records if it will facilitate a more timely production.

Judicial Watch also hereby requests a waiver of both search and duplication fees. We are entitled to a waiver of search fees because we are a "representative of the news

## Environmental Protection Agency/FOIA Request

June 8, 2018

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media.” See 5 U.S.C. § 552(a)(4)(A)(ii)(II); see also *Cause of Action v. Federal Trade Comm.*, 799 F.3d 1108 (D.C. Cir. 2015); *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381 (D.C. Cir. 1989). For more than twenty years, Judicial Watch has used FOIA and other investigative tools to gather information about the operations and activities of government, a subject of undisputed public interest. We submit over 400 FOIA requests annually. Our personnel, which includes experienced journalists and professional writers on staff and under contract, use their editorial skills to turn this raw information into distinct works that are disseminated to the public via our monthly newsletter, which has a circulation of over 300,000, weekly email update, which has over 600,000 subscribers, investigative bulletins, special reports, [www.judicialwatch.org](http://www.judicialwatch.org) website, *Corruption Chronicles* blog, and social media, including Facebook and Twitter, among other distribution channels. We have authored several books, including *Corruption Chronicles* by Tom Fitton (Threshold Editions, July 24, 2012), and another book, *Clean House* by Tom Fitton (Threshold Editions, Aug. 30, 2016), is forthcoming. In 2012, we produced a documentary film, “District of Corruption,” directed by Stephen K. Bannon. Our “news media” status has been confirmed in court rulings. See, e.g., *Judicial Watch, Inc. v. U.S. Dep’t of Defense*, 2006 U.S. Dist. LEXIS 44003, \*1 (D.D.C. June 28, 2006); *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000). As a tax exempt, 501(c)(3) non-profit corporation, we have no commercial interests and do not seek the requested records for any commercial use. Rather, we intend to use the requested records as part of our on-going investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

Judicial Watch also is entitled to a waiver of both search fees and duplication fees because “disclosure of the information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the requested records undoubtedly will shed light on “the operations or activities of the government.” *Cause of Action*, 799 F.3d at 1115 (quoting 5 U.S.C. § 552(a)(4)(A)(iii)). Disclosure also is “likely to contribute significantly to the public understanding” of those operations or activities because, among other reasons, Judicial Watch intends to disseminate both the records and its findings to “a reasonably broad audience of persons interested in the subject” via its newsletter, email updates, investigative bulletins, website, blog, and its other, regular distribution channels. *Cause of Action*, 799 F.3d at 1116 (quoting *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 815 (2d Cir. 1994)). Again, Judicial Watch does not seek the requested records for any commercial benefit or for its own “primary” benefit, but instead seeks them as part of its ongoing investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

In the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch agrees to pay up to \$300.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request or any portion thereof, please contact us immediately



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**June 8, 2018**  
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at 202-646-5172 or [bmarshall@judicialwatch.org](mailto:bmarshall@judicialwatch.org).

Thank you for your cooperation.

Very respectfully,

A handwritten signature in blue ink, appearing to read "William F. Marshall". The signature is fluid and cursive, with the first name "William" and last name "Marshall" clearly distinguishable.

William F. Marshall  
Judicial Watch, Inc.



NEOPOST  
06/08/2018  
US POSTAGE \$006.48<sup>0</sup>  
ZIP 20024  
041L10408544

Linda Green

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

JUN 11 2018

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